

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

MARK G. STEFFEN and
LISA STEFFEN,

Plaintiffs,

and,

Case No.: 2:22-cv-704

AARP MEDICARE ADVANTAGE/
UHC CLAIMS ADMIN. OPTUM,
XAVIER BECERRA, SECRETARY,
UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES and GEICO
CASUALTY COMPANY,

Involuntary Plaintiffs,

v.

TEXAS ROADHOUSE MANAGEMENT CORP.,
HOLCOMB GORBY LLC, ABC INSURANCE
COMPANY and DEF INSURANCE COMPANY,

Defendants.

NOTICE OF REMOVAL

COMES NOW Defendant Texas Roadhouse Management Corp. (“TRH”) (“Defendant”), by and through its attorneys, MWH Law Group LLP, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and hereby remove the above-captioned cause of action from the Milwaukee County Circuit Court to the United States District Court for the Eastern District of Wisconsin - Milwaukee Division.

In support thereof, Defendants state the following:

1. This action was originally filed by Plaintiff against Defendants on or about May 16, 2022, in Washington County Circuit Court, entitled *Steffen v. Texas Roadhouse et al.* Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons and Complaint against each Defendant is attached as **Exhibit 1**.

2. Personal service was made upon the Defendant's Registered agent on or about May 17, 2022.

3. This case may be removed from the Washington County Circuit Court to the United States District Court for the Eastern District of Wisconsin - Milwaukee Division, pursuant to 28 U.S.C. § 1332. The United States District Court has original jurisdiction over the litigation filed in state court based on the diversity of the parties.

4. This is a civil action in which Plaintiffs claim they are entitled to damages resulting from an incident at the Texas Roadhouse restaurant located at 800 W. Paradise Drive, West Bend, Wisconsin, on or about December 14, 2019. Plaintiffs are seeking damages for permanent personal injuries and damages including past and future pain, suffering, disability, humiliation, embarrassment, worry, and mental distress, all of which are claimed to be permanent in nature and loss of enjoyment of life, past wage loss and impairment of future earning capacity, past and future medical expenses, and other compensable damages. (**Exhibit 1, ¶¶ 14**). The amount in controversy exceeds the sum of value of \$75,000 exclusive of interests and costs.

5. Texas Roadhouse Management Corp. is a Defendant in this action and has its principal place of business in Louisville, KY, and is deemed to be a citizen of Kentucky pursuant to 28 U.S.C. 1332(c)(1).

6. Plaintiffs are citizens and residents of Wisconsin.

7. Pursuant to 28 USC § 1446 (3), a notice of removal may be filed within thirty (30) days after receipt of other paper from which it may first be ascertained that the case is one which has become removable.

8. The time for filing this notice of removal has not run because thirty (30) days has not expired since May 17, 2022, the date on which Defendant was personally served with the Original Summons and Complaint.

9. Counsel that has appeared on behalf of Plaintiff in the state court is:

R. Douglas Stansbury
LEVY & LEVY, S.C.
N61W6058 Columbia Road
P.O. Box 127
Cedarburg, WI 53012
Telephone: (262) 37-5555

10. This Notice of Removal is being served upon the Parties by the state court's electronic document management system ("EDMS"), by U.S. Mail, and it is being filed with the Clerk of the Washington County Circuit Court.

WHEREFORE, Defendant Texas Roadhouse Corp. gives notice that the above-captioned action now pending against them in Washington County Circuit Court is being removed therefrom to the United States District Court for the Eastern District of Wisconsin - Milwaukee Division.

Dated at Milwaukee, Wisconsin June 16, 2022.

MWH LAW GROUP, LLP
Attorneys for Defendant, Texas Roadhouse
Management Corporation

By: /s/ Electronically signed by Lynette K. Fons
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 16, 2022, a copy of this document was served upon all parties in the above cause by the **Mail & ("CM/ECF")**, which will send notification of such filing to all attorneys of record.

Attorneys for Plaintiffs, Mark G. Steffen and Lisa Steffen

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/s/ Brooke Klingbeil